

# YOUTH SERVICES POLICY

<b>Title:</b> Secure Care Early Release <b>Next Annual Review Date:</b> 01/15/2013	<b>Type:</b> B. Classification, Sentencing and Service Functions <b>Sub Type:</b> 2. Classification <b>Number:</b> B.2.13
	<b>Page 1 of 8</b>
<b>References:</b> La. Children's Code Articles 116 (24.2) and 897.1; ACA Standards 2-7175 (Juvenile Probation and Aftercare Services), 4-JCF-3A-23, 4-JCF-3A-24, 4-JCF-3A-25 (Performance-Based Standards For Juvenile Correctional Facilities); YS Policies B.2.1 "Assignment, Reassignment, Release and Discharge of Youth, B.2.2 "Youth Classification System and Treatment Procedures", B.2.7 "LAMOD Program and Youth Stage Procedures", B.2.14 "Secure Care SAVRY", B.2.17 "Sex Offender Notification and Registration Requirements", B.3.1 "Composition/Location/ Retention of Active and Inactive Secure Care Youth Records", B.5.1 "Youth Code of Conduct", B.8.11 "Pre-Release Program, C.2.11 "Prison Rape Elimination Act (PREA)" and C.4.1 "Furlough Process and Escorted Absence"	
<b>STATUS: Approved</b>	
<b>Approved By:</b> <i>Mary L. Livers, Deputy Secretary</i>	<b>Date of Approval:</b> 11/30/2011

## I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

## II. PURPOSE:

To establish the procedures for stepping-down youth from secure care facilities to a less restrictive setting as soon as a youth is deemed eligible through a formalized review process.

## III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Deputy Assistant Secretaries, Facility Directors and Regional Managers.

## IV. POLICY:

It is the Deputy Secretary's policy to ensure that all youth are given the opportunity to move through the Office of Juvenile Justice (OJJ) continuum of care that will assist the youth in their rehabilitation/treatment process, and to ensure that youth shall not remain in a secure care facility longer than is indicated. The regional office staff and facility staff shall work together to review each youth's eligibility during every quarterly staffing.

**V. DEFINITIONS:**

***Consideration for Recommendation of Modification (CRM)*** - a form completed in the JETS database and used by facility Case Managers to substantiate documentation of recommendation for modification of disposition. (Refer to YS Policy B.2.1)

***Detainer*** – a warrant placed against a person in a federal, state, or local correctional facility that notifies the holding authority of the intention of another jurisdiction to take custody of that individual when he or she is released.

***Early Release*** – The process by which OJJ seeks court approval to move a youth from secure care prior to his full term date. The court may authorize Youth Services (YS) to do one of the following: step the youth down to non-secure; release the youth from YS custody and return the youth to the community under supervision or terminate the youth's disposition.

***Early Release Recommendation*** - A formal recommendation made by regional office staff and facility staff during a quarterly staffing to consider a youth for placement in a less restrictive setting for the purpose of furthering the rehabilitation/treatment process.

***Juvenile Electronic Tracking System (JETS)*** - The centralized database used to track all youth under OJJ supervision or custody, and to record youth case record activity.

***LAMOD*** - The catalyst that drives the therapeutic process in Louisiana's secure care facilities.

***LAMOD Youth Stages of Development*** - The four states that a youth assigned to a secure care facility can advance through while in the custody of OJJ. These stages include: 1) Orientation-Learning and Safety, 2) Emerging-Self Awareness, 3) Adaptation-Applying Skills, and 4) Transformation-Role Model and Leadership.

***Modification of Disposition*** - For purposes of this policy is the process by which the court modifies a previous disposition to include changing the youth's legal custody, or placement. A Modification of Disposition order may also terminate a disposition at any time while the disposition is still in force.

***Quarterly Staffings*** - A multi-disciplinary team staffing held at least every 90 days to address a youth's Reintegration/Service Plan (RSP), classification and eligibility for furlough or early release.

***Reintegration/Service Plan*** - A plan prepared and entered into JETS by the youth's assigned field or secure care Case Manager, which identifies follow-up services needed by the youth upon release to facilitate a successful transition and reintegration back into the community. The plan is coordinated with CBS and shall be used when completing an aftercare plan. (Refer to YS Policy B.2.1)

***Secure Care Center for Youth*** - A living environment characterized by a range of moderate to high level security facilities that includes construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour-basis, the ability of the residents to enter and leave the premises, and which is intended for the treatment and rehabilitation of children who have been adjudicated delinquent." [Ch. Code Article 116 (24.2)]

***Structured Assessment of Violence Risk in Youth (SAVRY)*** - An evidence-based assessment designed to assist professionals in making judgments about a youth's needs for case planning purposes. This assessment comprises 24 risk/need items which were identified in existing research on adolescent development and on delinquency and aggression in youth. Six protective factors are included in the SAVRY which have also been identified by current research as potentially mitigating the risk of future violence and delinquent activity. The SAVRY utilizes a structured, professional judgment method of assessment. The individual completing the assessment using this method rates the youth on a number of evidence-based risk factors and then weighs all the information to come to a final judgment that the youth is Low, Moderate or High Risk for future violence and/or general reoffending. (Refer to YS Policy B.2.14)

***Step Down*** - Youth in secure facilities are placed in a less restrictive setting such as a residential facility or day treatment program.

## **VI. EARLY RELEASE CRITERIA:**

### **A. Qualifications**

1. A youth on a minimum or medium custody level is eligible for early release consideration;
2. A youth who has a SAVRY risk rating of Low (or in some cases Moderate); and
3. The youth who has a SAVRY risk rating of High for delinquency may be considered;

4. The youth has accomplished the Transformation - Role Model and Leadership stage of the LAMOD Youth Stages, unless special needs prevent him from doing so;
5. The youth must have made considerable progress in his/her treatment to be recommended for early release, including being compliant with psychotropic medications or other medications / treatment specified by medical staff.
6. The youth and his family shall have participated in three (3) family reintegration meetings. The last family reintegration meeting must have occurred within the last 30 days.

**B. Disqualifications**

1. Youth on maximum custody level.
2. Youth adjudicated under LA Children's Code Article 897.1.
3. Youth assigned to a short term program with or without a self-modifying order.
4. Youth who has a SAVRY risk rating of High for violence determined by the latest assessment or reassessment.
5. A youth who within the last 90 days received one of the following Code of Conduct violations, and was found guilty by the Code of Conduct Committee is not eligible for early release consideration:
  - a. Assault (Youth/Youth) that resulted in injury (threats of assault are not included in these offenses);
  - b. Assault (Youth/Staff) that resulted in injury;
  - c. Contraband violation involving a positive drug screen, cell phone, or weapon;
  - d. Escape;
  - e. Threats and Intimidation should be looked at individually and the team should make a decision on whether the severity of the offense warrants exclusion from early release consideration for 90 days; or
  - f. Gang/gang-like organization/activity.
6. A youth who within the last 30 days has received any other Code of Conduct violation other than those listed in VI. B. 1. above is not eligible for early release consideration. A youth being disqualified for early release consideration based on a Code of Conduct violation must be found guilty of the violation by the Conduct Code Committee.

**VII. YOUTH ADJUDICATED DELINQUENT FOR A SEX OFFENSE:**

- A. If a youth being considered for an early release is adjudicated delinquent for a sex offense and is required to register, the facility must notify the Central Office (CO) Legal Section to ensure they have knowledge of the request and can follow the court's action in the youth's case. When the decision made at the staffing is to go forward with an early release recommendation, the facility shall immediately begin completing the sex offender pre-registration process.
- B. The pre-registration process as outlined in YS Policy B.2.17 "Sex Offender Notification and Registration Requirements" requires facility staff do the following:
  - 1. review the Notification to Sex Offender Form with the youth and have it signed;
  - 2. complete and fax to CO Legal, at least 10 days prior to the youth's release, the Pre-Registration Packet for Sex Offenders;
  - 3. scan and email a current picture of the youth to CO legal; and
  - 4. ensure the youth's fingerprint card is part of his file.

**VIII. PROCEDURES:**

- A. Prior to initiating an early release recommendation, the youth's record shall be reviewed, and contact made with the Probation and Parole Officer/Juvenile (PPO/J) to ensure there are no outstanding detainers or pending charges.

Youth who have outstanding detainers shall not be considered for early release until the Case Manager has contacted the issuing law enforcement agency/DOC to determine whether the detainer is still valid.

If the youth's file contains information concerning a pending charge or if the Case Manager is made aware that the youth has a pending charge, the Case Manager shall contact the law enforcement agency/court to determine whether the case is open or has been closed.

The Facility Director/designee is responsible for confirming with the Case Manager that any detainers or pending charges have been identified and their status accurately reflected on the Consideration for Recommendation of Modification (CRM) form in the Juvenile Electronic Tracking System (JETS). The Facility Director shall sign the CRM if a detainer or pending charge was identified.

This information shall be documented in a Weekly Contact Progress Note in JETS.

- B. All youth who were adjudicated by the courts for a low and/or moderate offense, as listed on the attached Severity of Offense Scale dated November 2011, shall be eligible for consideration for an early release at the first Quarterly Reclassification Staffing. Those youth adjudicated by the court for a high or highest offense shall be considered for early release at the second Quarterly Reclassification Staffing.
- C. When a youth who is rated High for delinquency on the SAVRY has met the above criteria and is considered for a Modification of Disposition, the youth's treatment team shall prepare a request packet which shall be forwarded to the DAS/Facilities for review and approval within 10 working days of receipt of the packet. The packet of information shall include a hard copy of the following:
  - 1. RSP Summary of Staffing Form;
  - 2. SAVRY Rating form;
  - 3. contract provider's psychological evaluation;
  - 4. RSP;
  - 5. latest Monthly Summary; and
  - 6. youth's judgment/order.

The team must enter the RSP Summary of Staffing form in JETS within three (3) working days of the staffing, clearly sighting the reasons why the youth should be considered for an early release.

- D. Each youth shall be reviewed individually to determine the most suitable step down placement for that youth. The treatment team at each facility, in conjunction with the probation staff, shall determine the best placement for each youth unless the placement would be in conflict with the youth's court order. If a youth has been identified as a Prison Rape Elimination Act (PREA) victim or perpetrator, his status must be discussed during the staffing. A suitable placement must be agreed upon by both facility and probation staff. Staff must ensure that the youth's victim or perpetrator does not reside at the location where the youth is being considered for step down.

- E. If not prohibited by court order, a youth who is receiving specialized treatment, such as substance abuse or sex offender treatment, may be eligible for consideration for an early release, even if he/she has not completed treatment in the secure setting, if an acceptable provider is available in the community to complete the remaining treatment necessary. It is recommended that a sex offender currently in treatment not be stepped down until completion of the second phase of treatment.
- F. It is mandatory that both a Quarterly Progress Report (or two progress reports if the youth has been at the secure care facility for six (6) months) and the Reintegration/Service Plan (RSP) be submitted by the appropriate OJJ staff member to the court with the Modification of Disposition.
- G. The RSP shall be completed and contain specific information regarding mental health, medical, educational and vocational appointments, dates, and times as needed.
- H. The progress report(s) and the completed RSP, once approved by the Facility Treatment Director, can be accessed in JETS. The appropriate OJJ staff member shall prepare the Modification of Disposition to the court within 10 days of the early release recommendation.
- I. A home study shall be completed and the home found acceptable before a youth may be considered for placement in the designated home. If a home is found unacceptable, all efforts shall be focused on locating a suitable family member or consideration shall be given to placing the youth with a mentor family or in a non-secure setting. The home study must have been completed within the last 90 days, with an addendum to the home study completed if circumstances in the home have changed within the 90 day timeframe.
- J. In the event the PPO/J and the facility team do not agree on an early release recommendation during the Quarterly Reclassification Staffing, the case shall be referred to the Regional Manager and the Facility Director for a decision. It shall be the responsibility of the facility staff to inform the Director of the disagreement, and the Director shall contact the respective Regional Manager to schedule a conference.

If the Regional Manager and the Facility Director agree on a disposition of the matter, the facility staff and PPO/J shall be notified, and facility staff shall proceed with completing the early release documentation, adhering to the guidelines set by this policy.

If the Regional Manager and the Facility Director disagree, the matter shall be documented on the CRM and referred by the Facility Director to the Deputy Assistant Secretary/Facilities and the Deputy Assistant Secretary/Community Based Services, who shall make the final decision, which shall be documented on the CRM. The Deputy Assistant Secretaries shall be responsible for the appropriate notifications.

- K. If the youth is denied early release, facility staff shall work with the youth to ensure that he/she complies with the recommendations made. The youth may be considered for early release at his/her next Quarterly Reclassification Staffing or before if eligible, unless the court of jurisdiction has specified a time frame. If the request for early release is approved, the facility staff shall process the request as indicated in this policy.
- L. All youth being recommended for an early release shall have all pertinent information submitted to the designated OJJ attorney or appropriate OJJ probation staff within 10 days from the day the request was approved. The OJJ staff filing the Modification of Disposition with the court(s) shall inform designated Central Office staff of the filing and results of the request. It shall be the responsibility of the designated Central Office staff to monitor and track the process.
- M. Once a Modification of Disposition is granted or denied by the Court, the Facility Director shall be notified of the decision by the OJJ staff member attending the hearing. The Court Proceeding Summary form and a Weekly Contact Progress Note shall be completed in JETS by the youth's Case Manager, documenting the outcome of the hearing within three (3) working days.
- N. Youth who are denied an early release by the court shall be notified and counseled within 24 hours of the notice. Documentation of the 24 hour counseling shall be made on a Weekly Contact Progress Note in JETS within three (3) working days.

**IX. IMPLEMENTATION DATE:**

The revised procedures associated with this policy shall become effective January 15, 2012.

**Previous Regulation/Policy Number:** B.2.13

**Previous Effective Date:** 6/10/10



**Attachments/References:** Severity of Offense Scale 11-1-11.docx